

The Law Offices of
ANDREW J. FRISCH, PLLC
40 Fulton Street, 17th Floor
New York, New York 10038
212-285-8000

May 11, 2023

The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Douglass Mackey, Criminal Docket No. 21-0080 (AMD)

Dear Judge Donnelly:

On behalf of Mr. Mackey, I write to request permission to file a memorandum of law in support of Mr. Mackey's post-verdict motions that exceeds the page limit identified in the Court's individual practice rules and to consider this motion out of time. The final memorandum should be between 35 and 40 pages, a consequence of the need to preserve various arguments for appellate review (if the Court does not dismiss the case or vacate the conviction), including those on which Judge Garaufis ruled before trial, and to address issues including but not limited to the insufficiency of the government's evidence and its violation of Rule 5(f) and *Brady v. Maryland*, 373 U.S. 63 (1963). I have done and will continue to my best to be concise and avoid repetition without compromising a final memorandum that best aids the Court. Needless to say, I will not object to a responsive memorandum that exceeds the page limit.

Respectfully submitted,

/s/ Andrew J. Frisch
Andrew J. Frisch

cc: U.S. Attorney's Office